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# Letter dated 5 November 2010 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council

I have the honour to transmit herewith the assessments of the Presidents and the Prosecutor of the International Criminal Tribunal for Rwanda on the implementation of the completion strategy of the Tribunal, pursuant to Security Council resolution 1534 (2004), as of 1 November 2010 (see enclosure).

I should be grateful if you would transmit the enclosed report to the members of the Security Council.

(*Signed*) Judge Dennis **Byron**
President

10-62412 (E) 191110

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# Report on the completion strategy of the International Criminal Tribunal for Rwanda (as of 1 November 2010)

## Contents


Introduction

I. Activities in Chambers

A. Activities at first instance

1. Judgements (annex I.A)

2. Cases in judgement drafting phase (annex I.B)

3. Case where evidence is completed and closing arguments will be heard soon (annex I.C)

4. Ongoing trials (annex I.D)

5. Cases in pretrial phase (annex II)

B. Activities of the Appeals Chamber

II. Measures implementing the completion strategy

A. Judicial calendar and management of proceedings

B. Judges and staff management

1. Judges

2. Staff management and budget

C. Work of the Office of the Prosecutor

1. Workload

2. Cooperation of the Office of the Prosecutor with Member States

3. Staffing

D. Cooperation between Member States and the Tribunal

E. Outreach, capacity-building and legacy matters

F. Residual issues

Conclusion and updated prognosis regarding the implementation of the completion strategy

Annexes

I.A. Trial judgements delivered as of 1 November 2010: 45 judgements concerning 54 accused

I.B. Cases where trial judgement delivery is awaited (4 cases concerning 15 accused)

I.C. One case where trial is closed but closing arguments have yet to be heard

I.D. Ongoing trials: 4 cases concerning 5 accused

II. Awaiting trial: two accused in two cases

III. 10 fugitives

## Introduction

1. In 2003, the International Criminal Tribunal for Rwanda ("the Tribunal") formalized a strategy (the "completion strategy") to achieve the objectives of completing investigations by the end of 2004, all trial activities at first instance by the end of 2008, and all of its work in 2010, in accordance with Security Council resolution 1503 (2003).

2. The present report, in conjunction with previous submissions to the Security Council pursuant to resolution 1534 (2004), provides an overview of the Tribunal's progress to date in implementing the completion strategy, which has been continuously updated and developed since 2003.[1]

3. As of 1 November 2010, the Tribunal has completed work at the trial level with respect to 60 of the 92 accused. This includes 45 first-instance judgements involving 54 accused, nine of whom pleaded guilty, two referrals to national jurisdictions, two withdrawn indictments and two indictees who died prior to or in the course of the trial. Appellate proceedings have been concluded in respect of 33 persons. Ten fugitives remain at large.

# I. Activities in Chambers

## A. Activities at first instance

4. The present report covers the period from 26 May 2010 to 1 November 2010. At the beginning of this reporting period, the remaining workload of the Tribunal to be completed consisted of 13 trial judgements with respect to 24 accused, and 11 fugitives remained at large. During the reporting period, the Trial Chambers of the Tribunal have rendered three judgements in single-accused cases.[2] One fugitive was arrested.[3] The Prosecutor has submitted a request for referral of his case to Rwanda.[4] As of 1 November 2010, judgements remain to be delivered in nine ongoing cases and in one trial which will commence in January 2011.[5] One of these 10 judgements is expected before the end of 2010,[6] the rest in the course of 2011.[7]

5. Three of the four judgements projected in the last completion strategy report for delivery in the course of this reporting period were rendered and the fourth one is expected for December 2010. The major challenge for the coming months remains

[1] See the reports submitted to the United Nations on 14 July 2003 and 29 September 2003, in connection with General Assembly resolution 57/289 (2003) and the Tribunal's request to increase the number of ad litem judges sitting "at any one time". Completion strategy reports were submitted to the President of the Security Council on 30 April 2004, 19 November 2004, 23 May 2005, 30 November 2005, 29 May 2006, 8 December 2006, 31 May 2007, 20 November 2007, 13 May 2008, 21 November 2008, 14 May 2009, 9 November 2009 and 25 May 2010.

[2] *Bizimungu et al.*: *Kanyarukiga and Ntawukulilyayo*; further explanation is provided in paragraphs 7 to 9.

[3] Jean Uwinkindi; further explanation is provided in paragraph 21.

[4] Request submitted on 4 November 2010.

[5] *Nzirorera*, see para. 20 below.

[6] *Hategekimana*, see para. 13 below.

[7] *Gatete*, *Nyiramasuhuko et al.* ("Butare"), *Ndindiliyimana et al.* ("Military II"), *Bizimungu et al.*, *Nzabonimana*, *Ngirabatware*, *Karemera et al.*, *Ndahimana* and *Nizeyimana*, see paras. 10-12, 14 and 16-19 below.

the completion of the multi-accused cases that are in the judgement drafting phase. All three[8] have lost or are in the process of losing their judgement coordinators and have been facing high turnover in the drafting teams.

6. The present report shows, however, that, despite those difficulties, the measures taken by the Tribunal to improve pretrial and trial management practices have yielded significant results over the past few years in the single-accused cases and have reduced delays without compromising the rights of the accused.[9] They will continue to assist the Tribunal to complete its mandate in the near future.

## 1. Judgements (annex I.A)

7. On 30 June 2010, Trial Chamber I, composed of Judges Arrey, presiding, Akay and Rajohnson, rendered its oral judgement in the case of Yusuf Munyakazi, a local businessman in Cyangugu Prefecture. Munyakazi was convicted of genocide, and extermination and murder as crimes against humanity, and sentenced to 25 years' imprisonment. The Trial Chamber heard 11 prosecution witnesses and 20 defence witnesses over 19 trial days. Closing arguments were heard on 28 January 2010. The written judgement was issued on 5 July 2010. Thirteen decisions were issued in the course of the trial.

8. On 1 November 2010, Trial Chamber II, composed of Judges Hikmet, presiding, Park and Masanche, rendered its oral judgement in the case of Gaspard Kanyarukiga, a businessman. Kanyarukiga was convicted of genocide and extermination as a crime against humanity and was sentenced to 30 years' imprisonment. The accused was acquitted of complicity in genocide. The Trial Chamber heard 11 prosecution and 23 defence witnesses over 29 trial days. Closing arguments were heard on 24 May 2010. The Trial Chamber issued 29 decisions and orders in the course of the trial. The written judgement will be filed shortly.

9. On 3 August 2010, one month ahead of the delivery date projected in the previous report, a section of Trial Chamber III, composed of Judges Khan, presiding, Muthoga and Akay rendered an oral judgement in the case of the former sub-prefect of Gisagara, Dominique Ntawukulilyayo. The Chamber convicted him of genocide and sentenced him to 25 years' imprisonment. The accused was acquitted of direct and public incitement to commit genocide. The Trial Chamber heard 12 prosecution witnesses and 23 defence witnesses over 33 trial days. Closing arguments were heard on 14 June 2010. During the course of the pretrial and trial proceedings, the Chamber rendered 38 decisions and orders, and the written judgement was issued on 6 August 2010.

## 2. Cases in judgement drafting phase (annex I.B)

10. The *Ndindiliyimana et al.* trial ("Military II" case) before Trial Chamber II, composed of Judges De Silva, presiding, Hikmet and Park, commenced in September 2004 and closed on 26 June 2009. The trial involves four former military leaders, Augustin Ndindiliyimana, Augustin Bizimungu, François Xavier-Nzuwonemeye and Innocent Sagahutu. During the course of 393 trial days, the Chamber heard a total of 217 witnesses and admitted 965 exhibits. The presiding judge in the case has been working part-time since June 2009. Judgement delivery is

[8] *Nyiramasuhuko et al.* ("Butare"), *Ndindiliyimana et al.* ("Military II"), *Bizimungu et al.*

[9] See paras. 34 to 38 for further explanations.

now expected in March 2011. The delay is caused by staffing constraints in the judgement drafting team, including the departure of the coordinator, whom up to now it has not been possible to replace. In the reporting period, the Chamber issued one written decision. Two judges of the bench are sitting in the *Kanyarukiga* trial, where one of them is the presiding judge. The judge who presides in *Kanyarukiga* also sits in the *Hategekimana* trial.

11. Another section of Trial Chamber II, composed of Judges Sekule, presiding, Ramaroson and Bossa, continues with deliberations and judgement drafting in the *Nyiramasuhuko et al.* trial ("*Butare*" case), involving six accused: Pauline Nyiramasuhuko, Arsene Shalom Ntahobali, Sylvain Nsabimana, Alphonse Nteziryayo, Joseph Kanyabashi and Elie Ndayambaje. The trial lasted over 726 days, and 59 prosecution and 130 defence witnesses were heard. During the reporting period, the Chamber issued one written decision. Following the Chamber's order of 30 October 2009, a new *amicus curiae* report for alleged false testimony and contempt of court in relation to three witnesses was filed recently and the decision on this matter is pending. The deadline set for the judgement delivery, December 2010, has been revised to the second quarter of 2011. This change is due to the staffing situation, with an increase in the rate of departure, including of the judgement coordinator, whom up to now it has not been possible to replace, and the fact that each of the three judges on the bench is also presiding over other ongoing cases (*Ngirabatware*, *Hategekimana* and *Nzabonimana*).

12. A section of Trial Chamber II, composed of Judges Khan, presiding, Muthoga and Short, has continued the judgement drafting in the *Bizimungu et al.* case ("*Government II*" case), which involves four former ministers of the Interim Government (Casimir Bizimungu, Justin Mugenzi, Jérôme Bicamumpaka and Prosper Mugiraneza), which was installed after the assassination of President Habyarimana of Rwanda. The trial spanned 404 trial days, during which 171 witnesses testified and over 8,000 pages of exhibits were entered into evidence. During the reporting period, the Chamber issued one written decision. In parallel, two judges from this Chamber delivered the judgement in the *Ntawukulilyayo* trial and continued judgement preparations in the *Gatete* trial. The third judge has been working part-time since August 2009. The judgement delivery remains expected for the first half of 2011.

13. Trial Chamber II, composed of Judges Ramaroson, presiding, Hikmet and Masanche, is preparing the judgement in the case of Ildephonse Hategekimana, a commander of the Ngoma Military Camp. The Chamber heard 40 witnesses over 42 trial days. The parties' closing briefs were filed on 1 February 2010 and their closing arguments were heard on 26 April 2010. The judgement delivery is now expected for the end of 2010. Judge Ramaroson also sits on the bench in the *Nyiramasuhuko et al.* trial, while Judge Hikmet is the presiding judge in the *Kanyarukiga* trial, where Judge Masanche is also a member of the bench.

### 3. Case where evidence is completed and closing arguments will be heard soon (annex I.C)

14. Trial Chamber III, composed of Judges Khan, presiding, Muthoga and Akay, is in judgement deliberations in the case of Jean-Baptiste Gatete, a former *bourgmestre* of Murambi prefecture and an alleged Interahamwe leader. The trial started on 20 October 2009 and closed on 29 March 2010. The Trial Chamber heard

22 prosecution witnesses and 27 defence witnesses over 30 trial days. The parties filed their closing briefs on 25 June 2010. A site visit to Rwanda took place from 26 to 30 October 2010 and oral closing arguments will be heard on 8 and, if necessary, 9 November 2010. The site visit and closing arguments, which were originally scheduled to take place in July and August 2010 respectively, were postponed as the same bench was preparing judgement delivery in the *Ntawukulilyayo* trial and one judge is a member of the bench in the *Ndahimana* trial, which commenced in September. During the reporting period, the Chamber issued eight decisions and two orders. Due to staffing constraints, the judgement is now expected in March 2011.

## 4. Ongoing trials (annex I.D)

15. Three single-accused cases and one multi-accused case are currently ongoing before the Trial Chambers.

16. A section of Trial Chamber II, composed of Judge Sekule, presiding, Judge Bossa and Judge Rajohnson, is hearing the evidence in the case against Augustin Ngirabatware, the Minister of Planning in the Government of Rwanda during 1994. The prosecution case spanned three sessions: from 23 September to 22 October 2009, from 25 January to 18 March 2010 and from 23 August to 31 August 2010. During the reporting period, the Chamber heard the evidence of three witnesses, marked the prosecution case as closed and rendered 15 decisions and orders. On 14 October 2010, the Chamber issued its decision on the defence motion for a judgement of acquittal, in which it denied the defence motion, but granted the prosecution's request to withdraw 15 paragraphs of the indictment. The defence case remains scheduled to commence on 15 November 2010 and is expected to close in February 2011. Judgement delivery is still anticipated for the end of September 2011. In parallel with this case, Judge Sekule is also presiding over the multi-accused *Nyiramasuhuko et al.* case, Judge Bossa is presiding over the *Nzabonimana* case and sits on the bench in the *Nyiramasuhuko et al.* trial, and Judge Rajohnson sits on the bench in the *Nzabonimana* case.

17. A section of Trial Chamber III, composed of Judges Bossa, presiding, Tuzmukhamedov and Rajohnson, is hearing evidence in the case against Callixte Nzabonimana, the former Minister of Youth. The case opened on 9 November 2009. The Trial Chamber has heard 19 prosecution witnesses and 29 defence witnesses in four sessions thus far. A fifth session is scheduled to open on 28 February 2011. The Trial Chamber issued 14 written decisions during the reporting period. Judgement delivery is expected in October 2011. In parallel with this case, Judge Bossa sits on the bench in the *Butare* and *Ngirabatware* cases, Judge Rajohnson also sits on the *Ngirabatware* bench, and Judge Tuzmukhamedov is a member of the bench in the *Ndahimana* case.

18. A section of Trial Chamber III, composed of Judges Arrey, presiding, Tuzmukhamedov and Akay, is hearing evidence in the case against Grégoire Ndahimana, a former *bourgmestre*. The case opened on 6 September 2010. The Trial Chamber heard six prosecution witnesses up to 16 September 2010, when the case adjourned until 1 November 2010 to allow the prosecution to conduct further investigations into the alibi defence raised by the accused. The Trial Chamber expects the prosecution to close its case by 12 November 2010. Judgement delivery is expected in the third quarter of 2011. The Pre-Trial and Trial Chambers issued six

written decisions during the reporting period. Judge Tuzmukhamedov is also a member of the bench in the *Nzabonimana* case and Judge Akay in the *Gatete* case.

19. Another section of Trial Chamber III, composed of Judges Byron, presiding, Kam and Joensen, continued hearing evidence in the *Karemera et al.* case, involving Edouard Karemera, former Minister of the Interior, Joseph Nzirorera, former President of the National Assembly, and Matthieu Ngirumpatse, former President of the Mouvement republicain national pour la democratie et le développement (MRND). On 1 July 2010, Joseph Nzirorera died shortly before finishing the presentation of his case. The evidence adduced in his case will remain on the record. The Chamber began hearing the presentation of the case of Matthieu Ngirumpatse, the last of the accused, on 23 August 2010. The first session lasted until 30 September 2010. A second session started on 18 October 2010 and will run until 25 November 2010. It is expected that Matthieu Ngirumpatse will finish the presentation of his case in January 2011. Taking his health condition into consideration, the Chamber has been sitting three-quarter days and will continue to do so unless circumstances change. During the reporting period, the bench issued 62 decisions and orders. The judgement is expected to be delivered in the last quarter of 2011. The Chamber, in parallel, has handled pretrial matters in three cases: *Ndahimana*, *Nizeyimana* and *Uwinkindi*.

### 5. Cases in pretrial phase (annex II)

20. Ildephonse Nizeyimana, former second-in-command in charge of intelligence and military operations at the École des sous-officiers, was arrested on 5 October 2009 in Uganda and transferred to Arusha one day later. He made his initial appearance before Judge Khan on 14 October 2009 and pleaded not guilty to all counts in the indictment. The Trial Chamber, composed of Judges Muthoga, presiding, Park and Fremr, was appointed on 22 September 2010. Following the decision of the Pre-Trial Chamber (Judges Byron, Kam and Joensen) to grant the prosecution further leave to amend the indictment, a further appearance of the accused took place on 7 October 2010, when he again pleaded not guilty to all counts against him. The trial will commence on 17 January 2011. In the reporting period, the Pre-Trial Chamber and Trial Chamber issued 18 decisions.

21. Jean Uwinkindi, a former pastor in charge of the Pentecostal Church at Nyamata, Kenzenze commune, Kigali Rural préfecture, was arrested on 30 June 2010 in Uganda and transferred to the Tribunal's detention facility on 2 July 2010. On 9 July 2010, he came before Judge Byron for an initial appearance, where he pleaded not guilty to all counts in the indictment. The Pre-Trial Chamber is composed of Judges Byron, presiding, Kam and Joensen. Uwinkindi is charged on three counts: genocide, conspiracy to commit genocide and extermination as a crime against humanity. During the reporting period, the Pre-Trial Chamber issued one decision. As indicated above, the prosecution has filed an application for referral of this case to Rwanda.

## B. Activities of the Appeals Chamber

22. As of 1 November 2010, appellate proceedings have been concluded in respect of 33 persons. Since the previous report, the Appeals Chamber has delivered two appeal judgements, in the *Rukundo* and *Kalimanzira* cases. The Appeals Chamber

has also rendered six decisions disposing of interlocutory appeals, three decisions concerning post-appeal requests and 70 pre-appeal orders and decisions.

23. Two more appeal judgements are expected to be delivered in the next three months, a further four appeal judgements in the course of 2011, seven in the course of 2012 and the remaining five by the end of 2013.

24. In its judgement of 20 October 2010, the Appeals Chamber affirmed the convictions of Emmanuel Rukundo, a chaplain, for genocide and for murder and extermination as crimes against humanity. However, it did so on the basis of his responsibility for aiding and abetting those crimes, rather than committing them as the Trial Chamber had found. In addition, the Appeals Chamber reversed Rukundo's conviction for genocide in relation to the causing of serious mental harm. The Appeals Chamber reduced Rukundo's sentence from 25 to 23 years of imprisonment.

25. On the same day, the Appeals Chamber affirmed the conviction of Callixte Kalimanzira, former Directeur de cabinet of the Ministry of the Interior, for aiding and abetting genocide. However, the Appeals Chamber reversed Kalimanzira's remaining convictions and, accordingly, reduced his sentence from 30 to 25 years of imprisonment.

26. The Appeals Chamber is presently seized of six appeals from judgement.

27. The *Bagosora et al.* trial judgement was pronounced on 18 December 2008 and issued in writing on 9 February 2009. Théoneste Bagosora, Aloys Ntabakuze and Anatole Nsengiyumva appealed. The briefing in respect of the appeals was completed at the end of July 2010 and the appeals are being prepared for a hearing.

28. In the *Renzaho* case, the trial judgement was rendered on 14 July 2009, the briefing in this appeal was concluded on 5 May 2010 and the appeal was heard on 16 June 2010. Deliberations and judgement drafting are in progress.

29. The retrial judgement in the *Muvunyi* case was rendered on 11 February 2010 and both parties appealed. The briefing for the appeals was completed at the end of July 2010 and the appeals were heard on 21 October 2010. Deliberations and judgement drafting are in progress.

30. The trial judgement in the *Setako* case was rendered on 25 February 2010 and issued in writing on 1 March 2010. Both parties filed notices of appeal and the briefing is in progress.

31. The trial judgement in the *Munyakazi* case was rendered on 30 June 2010 and issued in writing on 5 July 2010. Both parties filed notices of appeal and the briefing is in progress.

32. The trial judgement in the *Ntawukulilyayo* case was rendered on 3 August 2010 and issued in writing on 6 August 2010. Dominique Ntawukulilyayo filed his notice of appeal on 6 September 2010 and the briefing is in progress.

## II. Measures implementing the completion strategy

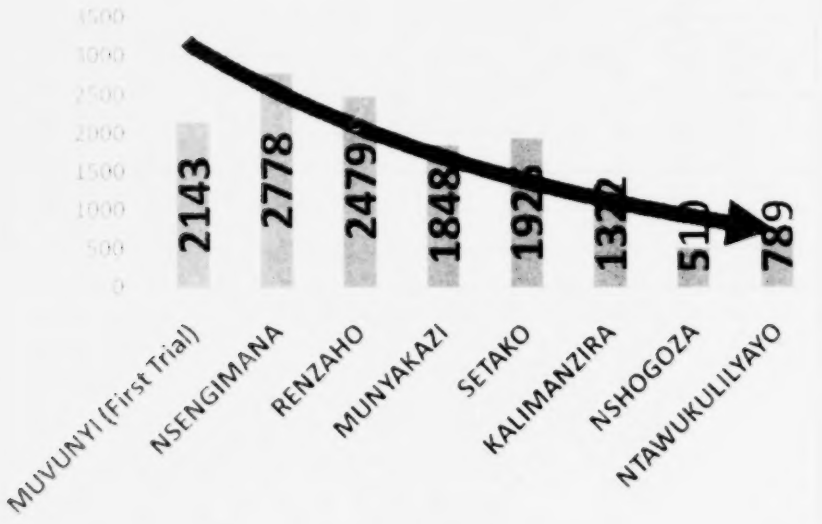
33. The following section supplements prior reports and highlights essential elements of the Tribunal's efforts to comply with its completion strategy.

## A. Judicial calendar and management of proceedings

34. As shown in the previous chapter, the remaining workload for 2010 and 2011, including conducting and completing trials and delivering judgements in 11 cases involving 21 accused, is substantial. Continuing efforts to further improve pretrial and trial management as well as the judgement drafting process are therefore crucial and have already met with success.

Figure I

**Days between transfer of the accused and delivery of trial judgement (2007-2010)**



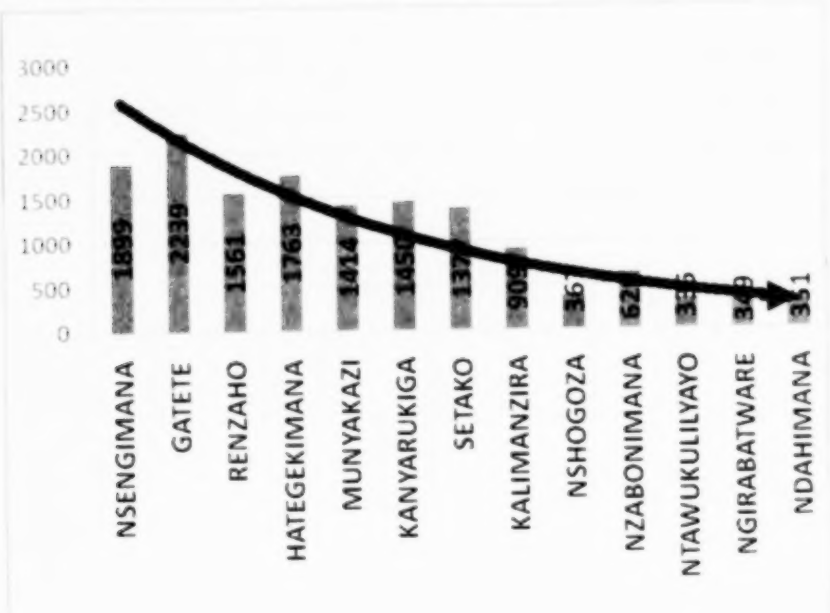

*Note:* Cases are in chronological order according to transfer date, with the earliest on the left. If applicable, the number of days taken between the filing of an application under rule 11 bis and trial/appeal decision (as relevant) has been removed. All cases presented are single-accused trials in which the accused pleaded not guilty.

35. As evidenced in figure I, over the past four years the time taken between the transfer of the accused and trial judgement has been reduced markedly. This time decrease is a result of a deliberate effort to process cases more efficiently and to try to deal with anticipated problems early, while upholding the highest standards in relation to the accused's right to a fair trial. All sections of the Tribunal have contributed to this significant time reduction.

36. Several Chambers, through the trial coordinators, have established management teams comprising representatives of the defence, the prosecution, the Court Management Section, the Witnesses and Victims Support Section, the Language Services Section, the Defence Council and Detention Management Section and the Chambers. These teams are established at the beginning of a trial and hold frequent meetings in order to work together to coordinate and facilitate the smooth running of cases as well as to anticipate and prevent problems. The Chambers have also

encouraged parties to conduct disclosure early and to bring any problems to them for mediation at the first opportunity. Moreover, at the Chambers' direction, parties are now establishing in advance the schedules for witness examination and cross-examination. All these efforts have been supported by the Office of the President. The Office of the Prosecutor has also made important efforts to streamline indictments.

Figure II
**Days between transfer of the accused and the start of trial (2007-2010)**




*Note*: Cases are in chronological order according to transfer date, with the earliest on the left. If applicable, the number of days taken between the filing of an application under rule 11 bis and the trial/appeal decision (as relevant) has been removed. All cases presented are single-accused trials in which the accused pleaded not guilty.

37. The Tribunal has implemented measures to shorten the length of time between the arrest of an accused person and the commencement of his trial, while ensuring that the highest level of fair-trial rights are afforded to the accused person. Figure II illustrates the exponential decline in the length of time between arrest and commencement of trial over the past four years.

38. The pretrial management of the remaining trials has been concentrated in one Chamber. This Chamber holds frequent meetings with the parties, both at an informal level and in status and pretrial conferences pursuant to rule 73 bis of the Rules of Procedure and Evidence. These meetings, which are also attended by the chiefs of the Witnesses and Victims Support Section, the Language Services Section, the Defence Counsel and Detention Management Section and the Court Management Section, assist in addressing all issues that may slow down the parties' preparations for trial, such as the timely disclosure of prosecution materials and the identity of prosecution witnesses to enable the defence to commence and focus its

investigations. These meetings also enable translation needs or other administrative matters to be addressed. Smooth transition from the Pre-Trial to the Trial Chamber and between their respective legal teams is ensured by the handing over of documentation, including pre-populated software, as well as suggested dates for the major stages of the trial, and by the holding of a hand-over meeting.

## B. Judges and staff management

### 1. Judges

39. Currently, 8 permanent judges and 12 ad litem judges are serving at the Tribunal. Ad litem Judge Robert Fremr from the Czech Republic returned to the Tribunal in September 2010 for the *Nizeyimana* trial. He had previously served at the Tribunal from 2006 to 2008. Permanent Judge De Silva and ad litem Judge Short continue to work part-time while completing their assignments.

40. Only five permanent judges remain resident in Arusha, following the resignations of Judges Reddy, Weinberg de Roca and Møse in 2008 and 2009. This raises issues with regard to the selection of candidates to fill the positions of President, Vice-President and Presiding Judge of a Trial Chamber once the terms of the current incumbents are completed and the trial judges currently in those positions are redeployed to the Appeals Chamber. The Tribunal has therefore resubmitted its prior request that the Security Council address those issues either by appointing three of the currently serving ad litem judges as permanent judges or by amending the Statute so as to make ad litem judges eligible to serve as President or Presiding Judge of a Trial Chamber.

41. In resolution 1932 (2010) of 29 June 2010, the Security Council, at the request of the Tribunal, extended the term of office of the two permanent judges who are members of the Appeals Chamber until 31 December 2012 or until the completion of the cases to which they are assigned, if sooner, and the term of office of five permanent and nine ad litem judges who are members of the Trials Chambers until 31 December 2011 or until the completion of the cases to which they are assigned, if sooner. Owing to changes in the judgement delivery dates, the Tribunal has recently requested that, in addition, one permanent and one ad litem judge, whose terms of office had not been extended, be authorized to complete their assignments, which are now expected to continue until March 2011.

42. The Tribunal welcomes the General Assembly's current review of the terms and conditions of service of the ad litem judges serving at the ad hoc Tribunals and the recommendation of the Secretary-General that the equalization of the terms and conditions of permanent and ad litem judges be considered.[10] Seven out of the 12 ad litem judges currently serving at the Tribunal have been in full-time uninterrupted service for longer than three years, the minimum duration for a permanent judge to be entitled to a pension. Some have served for over seven years. Without the commitment of the ad litem judges, the Tribunal could have not achieved what it has and costly delays would have occurred. The remaining workload cannot be

[10] Report of the Secretary-General on conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, 15 July 2010 (A/65/134).

completed within the projected time frames without the continued service of the ad litem judges. Therefore, the Tribunal reiterates its call upon Member States to recognize this contribution by considering positively the proposal for a review of their terms and conditions of service.

## 2. Staff management and budget

43. The Tribunal continues to experience the difficulties concerning staff retention and recruitment described in extenso in the report of May 2010. These severe staffing problems affect, in particular, Chambers and the Office of the Prosecutor and have an adverse impact on the Tribunal's ability to meet its targets and to complete trials and judgements within the time frames projected.

44. The three multi-accused cases in the judgement drafting phase, involving 14 accused, are particularly affected by these difficulties. All three teams supporting the judges in these cases have lost or are in the process of losing their judgement coordinators in the final phase of judgement drafting. In two of the cases, where those gaps arose several months ago, no suitable replacement has been found so far to take over the coordination task. At the P-2 level, the Chambers' teams have been facing a high rate of turnover. Any newly arrived team member, but in particular those in a coordinating and supervisory position, needs a significant amount of time to familiarize him/herself with the vast amount of evidence to be adjudicated upon. Despite the strong commitment and intense work of all the teams, further delays were therefore unavoidable.

45. The plan for the downsizing of the Tribunal has been affected by changes in the judicial calendar and by the additional workload which has developed in the course of the year, following the transfer of three additional accused since September 2009. These developments continue to pose a major challenge to the administration in assessing the exact level of resources required for next year. In July 2010, the Secretary-General submitted the revised estimates of the Tribunal for 2010-2011[1] for consideration by the General Assembly in December 2010. They take into account developments since the approval of the budget for the biennium. Since the submission of the Secretary-General's report, further developments, including delays in the delivery of judgement in some cases, have occurred which indicate that even the requested additional resources pending approval by the General Assembly may not be adequate to successfully cover the trial-related staffing needs.

46. While temporary contracts assist to some extent in addressing unexpected additional requirements for staffing, they do not adequately replace a longer-term staff management solution, which is essential for upholding morale, maintaining productivity and recruiting the best candidates, in particular at the P-4 and P-5 levels. Further, the need for constant extensions of temporary contracts is burdensome on staff and consumes energies that could otherwise be used to ensure that the completion strategy goals are met. New ways of attracting and retaining well-qualified candidates through flexible application of the existing rules and offering fixed-term contracts of a longer duration need to be found if the Tribunal is to remain in a position to conduct the remaining trials expeditiously and to deliver high-quality judgements.

[1] Report of the Secretary-General of 28 July 2010 (A/65/178).

## C. Work of the Office of the Prosecutor

### 1. Workload

47. The work of the Office of the Prosecutor is commensurate with the heavy workload of the Chambers. In addition to continuing with the ongoing trials of five accused in the four cases referred to above in the section of the report on the activities of the Chambers, the Prosecution Division of the Office of the Prosecutor also continues to prepare for trial in the cases of *Nizeyimana* and the recently arrested *Uwinkindi* (see para. 49 below). It is also responsible for the preparation of depositions for the preservation of evidence under new rule 71 bis in respect of the three important fugitive indictees (Félicien Kabuga, Protais Mpiranya and Augustin Bizimana) earmarked for trial in Arusha. The Prosecutor intends to file rule 71 bis requests in the last quarter of 2010 for the preservation of evidence in respect of these cases. This preparatory work includes intensive investigation, the identification and preparation of witnesses, and the preparation of case materials. The other responsibilities of the Prosecution Division include the supervision of the Investigation Section and the Information and Evidence Service Section; the coordination of and the submission of timely responses to all requests for cooperation from the prosecution authorities of Member States; and the preparation of cases for transfer to Rwandan or other national jurisdictions under rule 11 bis as a key pillar of the Prosecutor's efforts to meet the completion strategy targets.

48. In the reporting period, the caseload of the Appeals and Legal Advisory Division has included nine cases involving a total of 16 separate appeals. These cases on appeal include *Bagosora et al.* (three defence appeals), *Rukundo* (one prosecution and one defence appeal), *Kalimanzira* (one prosecution and one defence appeal), *Renzaho* (one defence appeal), *Muvunyi* (one prosecution and one defence appeal), *Setako* (one prosecution and one defence appeal), *Munyakazi* (one prosecution and one defence appeal), *Ntawukulilyayo* (one defence appeal) and *Nsengimana* (one prosecution appeal on contempt). The Appeals and Legal Advisory Division has also worked on post-appeal proceedings, including requests for review, in four cases: *Kamuhanda*, *Karera*, *Rutaganda* and *Nyitegeka*. The Division has prepared five legal advisories. It has also prepared and filed three appellant's briefs (in *Nsengimana*, *Setako* and *Munyakazi*) and one respondent's brief (in *Setako*) and is preparing two additional respondent's briefs (in *Munyakazi* and *Ntawulkulilyayo*). In addition, as of 1 November 2010, it had filed 37 interlocutory applications and/or responses (including in post-appeal proceedings) before the Trial Chambers and Appeals Chamber, and expects to file an additional 10 interlocutory applications and/or responses in the coming month. Finally, Appeals and Legal Advisory Division prosecutors presented oral arguments before the Appeals Chamber in four cases (*Kalimanzira*, *Rukundo*, *Renzaho*, and *Muvunyi*).

49. The Investigation Unit of the Office of the Prosecutor continues to support trial and appeal activities, while its tracking section concentrates on the fugitive indictees. A small increase of temporary staff in the unit is expected to reduce its increased burden. One fugitive indictee, Pastor Jean Uwinkindi, was arrested in Uganda on 30 June 2010. His case is one of those earmarked for referral to a national jurisdiction under rule 11 bis of the Tribunal's Rules of Procedure and Evidence, and a request has been filed for the transfer of the cases of *Uwinkindi* and two other fugitive indictees, *Kayishema* and *Sikubwabo*, to Rwanda for trial.

### 2. Cooperation of the Office of the Prosecutor with Member States

50. Requests for mutual legal assistance from national prosecution authorities underscore the growing importance accorded by Member States to the fight against impunity. The continuing support provided by the Tribunal to national authorities strengthens the legacy it will leave and its ultimate objective of supporting and building the institutions of international law through the principle of complementarity. The Office of the Prosecutor is working towards establishing a dedicated, efficient and experienced response mechanism for such requests. This would be a valuable asset under the residual mechanism.

51. The number of requests for mutual legal assistance from national prosecuting authorities of Member States has continued to grow and is expected to do so in the coming years. During the reporting period, the Office of the Prosecutor has processed 48 requests for mutual legal assistance from nine Member States pursuing cases against Rwandan fugitives on the INTERPOL list.

52. Efforts at tracking the remaining 10 fugitives in the Democratic Republic of the Congo, the southern African region and neighbouring countries continue. Intensified efforts and support from the Democratic Republic of the Congo, Kenya and the rest of the international community towards the tracking and arrest of the fugitives would substantially assist the Prosecutor in meeting the completion strategy targets.

53. The lack of cooperation by Kenya in respect of the fugitive indictee Félicien Kabuga continues to remain a concern for the Prosecutor. The Prosecutor presented a detailed report on the repeated violation by Kenya of its obligations under article 28 of the Statute of the International Criminal Tribunal for Rwanda, which was submitted by the President of the Tribunal to the President of the Security Council on 25 May 2010. Despite the statement and pledge to cooperate made by Kenya at the meeting of the Security Council on 18 June 2010, Kenyan cooperation with the Tribunal remains wanting and the Prosecutor's request for a meeting with the Kenyan Government authorities made on 8 July 2010, followed by a reminder on 30 September 2010, remains unattended to. Kenya has so far also not provided the Prosecutor with relevant and credible information on Félicien Kabuga's alleged departure from Kenya and his approximate destination.

54. The Prosecutor continues to seek due diligence from Kenya in the discharge of its international obligations under the Statute and Rules of Procedure and Evidence of the Tribunal.

### 3. Staffing

55. Lack of adequate staff continues to be of serious concern to the Office of the Prosecutor and is likely to have an adverse impact on meeting completion targets. Delays have been recorded in all areas of prosecution activity, including trial preparation, investigation support, the tracking of fugitives, preparation for the transfer of cases under rule 11 bis and the preservation of evidence under rule 71 bis. The arrest of the fugitive Uwinkindi and delays in trial schedules have only added to the burden. The timely provision of adequate resources and the transfer of cases to national jurisdictions should put the agenda of the Office of the Prosecutor on track with the completion strategy.

## D. Cooperation between Member States and the Tribunal

56. Efficient cooperation with Member States remains a cornerstone of the success of the Tribunal's completion strategy. This is particularly the case with regard to ensuring the arrest of the remaining fugitives, the possible referral of cases to national jurisdictions, the transfer of convicted persons for the enforcement of their sentence and the relocation of acquitted persons and persons who have served their sentences.

57. The section of the present report on the work of the Office of the Prosecutor highlights the close cooperation with regard to the arrest of fugitives, the preparation of referrals to national jurisdictions, and assistance to national prosecuting authorities (see paras. 50-52 above).

58. During the reporting period, one convicted person was transferred to a Member State for the enforcement of his sentence. Two convicted persons died while serving their sentence in a Member State.

59. The Registrar continues to deploy every effort to find host countries for the three acquitted persons who remain in Arusha under the Tribunal's protection, one of them for over four years since his acquittal was confirmed by the Appeals Chamber. The support of Member States is urgently required to find a solution to this pressing problem.

## E. Outreach, capacity-building and legacy matters

60. Through its outreach programme, the Tribunal has continued to improve awareness of its work, sensitizing the people of the Great Lakes region and visitors to the offices of the Tribunal in Rwanda and the United Republic of Tanzania to, and showcasing and disseminating, its achievements and the challenges confronting it at the crucial completion stage.

61. The Tribunal's information and documentation centres scattered across Rwanda remain the flagship initiative of its outreach programme in the country. Their activities are intensifying as part of the Tribunal's completion strategy and the preservation of the its legacy. The main centre in Kigali (the Umusanzu Centre) alone receives approximately 100 visitors per day.

62. On 25 October 2010, in the context of United Nations Day, the Tribunal awarded prizes to the winners of an essay and drawing competition on the theme "The role of the Tribunal in promoting international justice". The competition was organized for 60 primary and secondary schools in the East African Community in the context of a broader German-funded youth sensitization project.

63. In the framework of the cooperation between the Tribunal and Rwandan legal institutions, the Legal Library Section, with the support of the External Relations and Strategic Planning Section, organized another workshop on the use of online legal materials, for Rwandan legal professionals. During the reporting period, 400 participants, including law students, legal professionals from the High Court, judges and prosecutors from the Rwandan Institute of Legal Practice and Development received training under this capacity-building programme on accessing legal electronic literature, including free electronic materials available for developing countries, as well as Tribunal case law.

64. Before the end of this year, two "training of trainers" sessions are planned to be conducted for the Kigali Bar Association and for research methodology course lecturers from various universities in Rwanda. The objective is to ensure the continuation of this programme even after the Tribunal winds up its work.

65. The Legal Library has disseminated almost 2,000 copies of its 2009 CD-ROM and DVD within Rwanda and around the world. The CD-ROM and DVD are periodic copies of the online version of the Tribunal's basic documents and case law database available at www.ictrcaselaw.org.

## F. Residual issues

66. The Tribunal has continued its work on the recommendations contained in the last paragraph of the report of the Secretary-General on the administrative and budgetary aspects of the options for possible locations for the archives of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and the seat of the Residual Mechanism(s) for the Tribunals of 21 May 2009. The Legacy Committee, constituted by representatives of the three organs of the Tribunal, coordinates this work.

67. With respect to the referral of cases to national jurisdictions, the Office of the Prosecutor, on 8 June 2010, handed over to the Rwandan Prosecutor General the files for 25 cases that have been the subject of investigations without resulting in a confirmed indictment at the Tribunal. This transfer will contribute to a reduction of the responsibilities of the residual mechanism. As for referrals falling under rule 11 bis, i.e. cases where an indictment has already been confirmed, the Prosecutor filed requests to that effect in three cases in early November 2010. The capacity-building activities of the Registry for the judiciary in Rwanda continue. Germany is funding a video-link project for the Rwandan Supreme Court which will provide an alternative means of taking witness evidence without risk for protected witnesses. The Tribunal is endeavouring to implement the project before 31 December 2010. In addition, the Witnesses and Victims Support Section conducted a two-day training programme for personnel of the Rwandan judicial system, in October 2010. The participants included judges, registrars, prosecutors, witness protection officers, prison officers and members of the judicial police. The participants had the opportunity to gain insight into the best practices and lessons learned of the Tribunal's witness protection programme. This was the third training programme provided by the Tribunal, but the first that included not only witness protection officers, but also other important witness protection stakeholders. While these capacity-building measures are being implemented, the Prosecutor is continuing to explore options for the referral of cases to other national jurisdictions.

68. The Tribunal has been considering ways to review witness protection orders with a view to withdrawing or varying those that are no longer necessary. Preliminary research focused on those witness protection orders which could be varied or lifted has been carried out and the Tribunal is in the process of contacting the witnesses identified in order to enquire about their willingness to have their protection lifted. The Prosecutor, in the meantime, is continuing to make applications for the variation of witness protection orders in the context of mutual legal assistance with Member States (see para. 51 above).

69. The review of all the Tribunal's agreements with Member States and other international bodies and contracts with private entities, with a view to determining their fate after the closure of the Tribunal, is still ongoing. The Office of the Prosecutor is finalizing the compilation of agreements and memorandums of understanding pertaining to confidential materials, witness protection or other areas of cooperation. As for the Registry, all agreements and memorandums of understanding that the Tribunal has entered into have been compiled and analysed with a view to determining which of them needs to be amended to suit the needs of the residual mechanism. The exercise revealed that the host country agreement with the United Republic of Tanzania, the agreement with the United Republic of Tanzania on the United Nations detention facility, the memorandum of understanding with Rwanda regulating the business of the Tribunal's office in Kigali, as well as three agreements, with France, Italy and Sweden, on the enforcement of sentences, will require amendment to enable the residual mechanism take over from the Tribunal. Proposals for the language to be used for the transition have been prepared and will be submitted to the Office of Legal Affairs for clearance and further action.

70. The 10 provincial information centres opened throughout Rwanda in 2009 to facilitate public access to documents of the Tribunal already have copies of some of the Tribunal's public records. The main information centre in Kigali has the capacity to accommodate hard copies of all the public records. However, such transfer of hard copies may not be advisable, because the transfer of electronic copies of the public records is less resource intensive, the continued maintenance of the electronic records will be less costly and electronic records will be more easily accessible for users of the information centres. Therefore, pending the availability of estimates regarding the cost of the transfer and maintenance of hard copies of public documents, the Registry continues to provide the provincial centres with electronic documents.

71. The objectives and processes related to the archiving activities of the Tribunal described in the November 2009 and May 2010 reports remain valid, and all technical activities remain on schedule. The following is a summary of progress made as of 1 November 2010:

*Arrangement and verification of the original judicial records*. The arrangement of the original paper-based transcripts and exhibits has been completed and that of the case file documents is under way. To date, nearly 4,000 files have been arranged; this is approximately 65 per cent of all original paper-based materials. The verification of the hard copy transcripts against the electronic versions has been completed for 75 per cent of all original transcripts, with 46 cases (13,700 transcripts) verified to date.

*Digitization and redaction of the audio-visual material*. The digitization of the most at-risk audio-visual master recordings of the court proceedings was completed in March 2010; all master audio materials have been digitized in accordance with archival best-practice principles. The redaction of the audio recordings is under way, with 30 cases completed and work on 6 in progress. In total, approximately 950 hours of redacted audio material have been generated to date. The video migration equipment was installed in August, and the final phase of testing was completed in October 2010. The full-scale migration of the video recordings began in October 2010. With an expected output of 5,000 hours of digitized video recordings per month, the migration of

the video tapes to file-based, preservation quality carriers is expected to be completed by June 2011.

*Processing and scanning of administrative records.* The sorting, processing, scanning and data entry of the administrative records has progressed according to schedule. To date, 14,800 records have been entered in the TRIM database. In addition, the TRIM database has now been installed in the Kigali office of the Tribunal, and a fully functioning archiving structure has been established which operates in accordance with the archiving of the administrative records under way in the Arusha office.

*Processing and scanning of records of the Office of the Prosecutor.* The Office of the Prosecutor archives project, which is being conducted in both Arusha and Kigali, has progressed according to schedule. To date, over 4,000 binders, containing over 1 million pages, have been cleaned and sorted and 17,500 records, representing approximately 640,000 pages, have been entered into the electronic record system.

*Development of a retention, access and security policy for the records of the Tribunal.* The Tribunal-wide Archives and Records Management Working Group has been working in close collaboration with the Archives and Records Management Section to develop a retention policy for the records of the Tribunal. The Working Group has submitted the results of the business process surveys of all substantive offices of the Tribunal to the Archives and Records Management Section for the purpose of informing the development of a high-level, functions-based retention schedule for the substantive records of the Tribunal. An inventory of the records held by all offices represented on the Working Group is currently being undertaken; the results of the inventory will, by identifying all series of records created or received by the Tribunal during its mandate, lead to the development of a comprehensive plan for the retention of its substantive records. A two-week visit by the Archives and Records Management Section-based Tribunals Coordination Archivist in the second half of September further contributed to the development of retention, access and security policies. Her mission facilitated open discussions on retention, access and security with representatives of all organs of the Tribunal, providing further information to the staff and judges of the Tribunal regarding their roles and responsibilities in the retention and classification of records. In addition, the mission led to a more in-depth appreciation of the particular challenges and concerns related to the development of security and access policies for the records of the Tribunal. The mission report is expected to be finalized by mid-November 2010.

## Conclusion and updated prognosis regarding the implementation of the completion strategy

72. The Tribunal remains committed to completing its current trial workload before the end of 2011, with appeals to be completed in 2013.

73. Most projections of the latest completion strategy report for the reporting period were met, but the greatest challenge to the implementation of the completion strategy and the main reason for expected delays in the coming months remains the

staffing situation. The Tribunal's staff is an indispensable element of the completion strategy and the Tribunal continues to suffer from the high turnover rate. The timelines imposed by the strategy limit the possibilities for attracting qualified staff through long-term contracts, which, in turn, contributes to delays in the completion of trial work, particularly judgement drafting. Measures to help reduce delays in recruitment procedures and the possibility of offering longer-term contracts to key staff members to reduce the departure rate would assist in addressing this situation. Such measures would free staff from the burden of constantly renewing short-term temporary contracts and allow them to focus on their substantive work.

74. During the next six months, the Tribunal expects that the judgements will be delivered in three multi-accused and two single-accused cases at the trial level and in two appeals. The workload will be increased by applications under rule 11 bis, requests for evidence preservation hearings under rule 71 bis and, possibly, contempt procedures.

75. In addition to the judicial work, the focus over the next six months will be on ensuring the arrest of the remaining fugitives and on deepening mutual legal assistance with Member States with respect to investigations and prosecutions of crimes related to the Rwandan genocide. Over 16 years have passed since those horrendous crimes were committed and several indictees still remain at large. Only closer cooperation between all Member States can prevent the continuation of impunity.

76. The Tribunal will leave a unique legacy for the development of international criminal law and the fight against impunity for genocide, war crimes and crimes against humanity. But as is the case for any other court, national or international, the Tribunal's achievements will be ultimately judged not only by the quality of its trials and judgements but also by the efficiency of its judicial management. International courts and tribunals will remain crucial in the future fight against impunity and, while completing its mandate, the Tribunal continues to work hard on both the quality and the management of its work in order to continue to earn the trust of the victims and of the entire international community.

# Annex I.A

## Trial judgements delivered as of 1 November 2010: 45 judgements concerning 54 accused

| Case No. | Name | *Former title or position* | *Date of initial appearance* | *Trial Chamber* | *Judgement* |
|---|---|---|---|---|---|
| 1 | J.-P. Akayesu | Bourgmestre of Taba | 30 May 1996 | I | 2 September 1998 |
| 2 | J. Kambanda | Prime Minister | 1 May 1998 | I | 4 September 1998 (guilty plea) |
| 3 | O. Serushago | Businessman, Interahamwe leader | 14 December 1998 | I | 5 February 1999 (guilty plea) |
| 4 | C. Kayishema | Prefect of Kibuye | 31 May 1996 | II | 21 May 1999 (joinder) |
| | O. Ruzindana | Businessman | 29 October 1996 | | |
| 5 | G. Rutaganda | Businessman, 2nd Vice-president of Interahamwe | 30 May 1996 | I | 6 December 1999 |
| 6 | A. Musema | Businessman | 18 November 1997 | I | 27 January 2000 |
| 7 | G. Ruggiu | Journalist of Radio-Télévision Libre des Mille Collines | 24 October 1997 | I | 1 June 2000 (guilty plea) |
| 8 | I. Bagilishema | Bourgmestre of Mabanza | 1 April 1999 | I | 7 June 2001 |
| 9 | G. Ntakirutimana | Doctor | 2 December 1996 | I | 21 February 2003 (joinder) |
| | E. Ntakirutimana | Pastor | 31 March 2000 | | |
| 10 | L. Semanza | Bourgmestre of Bicumbi | 16 February 1998 | III | 15 May 2003 |
| 11 | E. Niyitegeka | Minister of Information | 15 April 1999 | I | 15 May 2003 |
| 12 | J. Kajelijeli | Bourgmestre of Mukingo | 19 April 1999 | II | 1 December 2003 |
| 13 | F. Nahimana | Director, Radio-Télévision Libre des Mille Collines | 19 February 1997 | I | "*Media* case" (joinder) 3 December 2003 |
| | H. Ngeze | Editor of *Kangura* | 19 November 1997 | | |
| | J.-B. Barayagwiza | Director, Ministry of Foreign Affairs | 23 February 1998 | | |
| 14 | J. Kamuhanda | Minister of Culture and Education | 24 March 2000 | II | 22 January 2004 |
| 15 | A. Ntagerura | Minister of Transport | 20 February 1997 | III | "*Cyangugu* case" (joinder) 25 February 2004 |
| | E. Bagambiki | Prefect of Cyangugu | 19 April 1999 | | |
| | S. Imanishimwe | Lieutenant in Forces armées rwandaises | 27 November 1997 | | |
| 16 | S. Gacumbitsi | Bourgmestre of Rusumo | 20 June 2001 | III | 17 June 2004 |

| Case No. | Name | Former title or position | Date of initial appearance | Trial Chamber | Judgement |
|---|---|---|---|---|---|
| 17 | E. Ndindabahizi | Minister of Finance | 19 October 2001 | I | 15 July 2004 |
| 18 | V. Rutaganira | Councillor of Mubuga | 26 March 2002 | III | 14 March 2005 (guilty plea) |
| 19 | M. Muhimana | Councillor of Gishyita | 24 November 1999 | III | 28 April 2005 |
| 20 | A. Simba | Lieutenant-Colonel in Forces armées rwandaises | 18 March 2002 | I | 13 December 2005 |
| 21 | P. Bisengimana | Bourgmestre of Gikoro | 18 March 2002 | II | 13 April 2006 (guilty plea) |
| 22 | J. Serugendo | Technical Director, Radio-Télévision Libre des Mille Collines | 30 September 2005 | I | 12 June 2006 (guilty plea) |
| 23 | J. Mpambara | Bourgmestre of Rukara | 8 August 2001 | I | 12 September 2006 |
| 24 | T. Muvunyi | Commander, École des sous-officiers | 8 November 2000 | II | 12 September 2006 |
| 25 | A. Rwamakuba | Minister of Education | 7 April 1999 | III | 20 September 2006 |
| 26 | A. Seromba | Priest, Kivumu Commune | 8 February 2002 | III | 13 December 2006 |
| 27 | J. Nzabirinda | Youth organizer | 27 March 2002 | II | 23 February 2007 (guilty plea) |
| 28 | J. Rugambarara | Bourgmestre of Bicumbi | 15 August 2003 | II | 16 November 2007 (guilty plea) |
| 29 | GAA | Witness before the Tribunal | 10 August 2007 | III | 4 December 2007 (contempt of Tribunal) |
| 30 | F. Karera | Prefect of Kigali-Rural | 26 October 2001 | I | 7 December 2007 |
| 31 | S. Nchamihigo | Deputy Prosecutor of Cyangugu | 29 June 2001 | III | 24 September 2008 |
| 32 | S. Bikindi | Musician | 4 April 2002 | III | 2 December 2008 |
| 33 | P. Zigiranyirazo | Businessman | 10 October 2001 | III | 18 December 2008 |

| *Case No.* | *Name* | *Former title or position* | *Date of initial appearance* | *Trial Chamber* | *Judgement* |
|---|---|---|---|---|---|
| 34 | T. Bagosora | Directeur de Cabinet, Ministry of Defence | 20 February 1997 | I | "*Military I* case" (joinder) 18 December 2008 |
| | G. Kabiligi | Brigadier-General in Forces armées rwandaises | 17 February 1998 | | |
| | A. Ntabakuze | Forces armées rwandaises Battalion Commander | 24 October 1997 | | |
| | A. Nsengiyumva | Lieutenant-Colonel in Forces armées rwandaises | 19 February 1997 | | |
| 35 | E. Rukundo | Chaplain | 26 September 2001 | II | 27 February 2009 |
| 36 | C. Kalimanzira | Directeur de Cabinet, Ministry of the Interior | 14 November 2005 | III | 22 June 2009 |
| 37 | L. Nshogoza | Former defence investigator (contempt of court case) | 11 February 2008 | III | 2 July 2009 |
| 38 | T. Renzaho | Prefect of Kigali-Ville | 21 November 2002 | I | 14 July 2009 |
| 39 | M. Bagaragaza | Director General of Government office controlling the tea industry | 16 August 2005 | III | 5 November 2009 (guilty plea) |
| 40 | H. Nsengimana | Rector, Christ-Roi College | 16 April 2002 | I | 17 November 2009 |
| 41 | T. Muvunyi | Interim Commander, École des sous-officiers camp (retrial) | 8 November 2000 | III | 11 February 2010 |
| 42 | E. Setako | Lieutenant-Colonel | 22 November 2004 | I | 25 February 2010 |
| 43 | Y. Munyakazi | Interahamwe leader | 12 May 2004 | I | 30 June 2010 |
| 44 | D. Ntawukulilyayo | Sub-Prefect of Butare | 10 June 2008 | III | 3 August 2010 |
| 45 | G. Kanyarukiga | Businessman | 22 July 2004 | II | 1 November 2010 |

## Annex I.B

### Cases where trial judgement delivery is awaited (4 cases concerning 15 accused)

| *Case No.* | *Name* | *Former title* | *Initial appearance* | *Trial Chamber* | *Comments* |
|---|---|---|---|---|---|
| 46 | I. Hategekimana | Lieutenant, Commander of Ngoma Camp, Butare | 28 February 2003 | II | Started 16 March 2009. Completion in October 2009. Closing arguments in April 2010. Judgement expected December 2010. |
| 47 | C. Bizimungu | Minister of Health | 3 September 1999 | II | "*Bizimungu et al.* case" (joinder). Started on 5 November 2003. Evidence completed in June 2008. Closing arguments in December 2008. Judgement expected first half 2011. |
| | J. Mugenzi | Minister of Commerce | 17 August 1999 | | |
| | J. Bicamumpaka | Minister for Foreign Affairs | 17 August 1999 | | |
| | P. Mugiraneza | Minister of Civil Service | 17 August 1999 | | |
| 48 | P. Nyiramasuhuko | Minister of Family and Women's Affairs | 3 September 1997 | II | "*Butare* case" (joinder). Started on 12 June 2001. Evidence completed in February 2009. Closing arguments in April 2009. Judgement expected second quarter of 2011. |
| | A. S. Ntahobali | Interahamwe leader | 17 October 1997 | | |
| | S. Nsabimana | Prefect of Butare | 24 October 1997 | | |
| | A. Nteziryayo | Prefect of Butare | 17 August 1998 | | |
| | J. Kanyabashi | Bourgmestre of Ngoma | 29 November 1996 | | |
| | E. Ndayambaje | Bourgmestre of Muganza | 29 November 1996 | | |
| 49 | A. Ndindiliyimana | Chief of Staff of Gendarmerie | 27 April 2000 | II | "*Military II* case" (joinder). Started on 20 September 2004. Completion in February 2009. Closing arguments in June 2009. Judgement expected in March 2011. |
| | F.-X. Nzuwonemeye | Battalion Commander, Forces armées rwandaises | 25 May 2000 | | |
| | I. Saguhutu | Second-in-Command, Reconnaissance Battalion | 28 November 2000 | | |
| | A. Bizimungu | Chief of Staff of Forces armées rwandaises | 21 August 2002 | | |

## Annex I.C

### One case where trial is closed but closing arguments have yet to be heard

| [illegible] | Name | Former title or position | Date of initial appearance | Trial Chamber | Comments |
|---|---|---|---|---|---|
| 50 | J.-B. Gatete | Bourgmestre of Murambi | 20 September 2002 | III | Started on 20 October 2009. Completion in March 2010. Closing arguments in November 2010. Judgement expected in March 2011. |

## Annex I.D

### Ongoing trials: 4 cases concerning 5 accused

| *Case No.* | *Name* | *Former title or position* | *Date of initial appearance* | *Trial Chamber* | *Comments* |
|---|---|---|---|---|---|
| 51 | E. Karemera | Minister of the Interior, Vice-President of Mouvement républicain national pour la democratie et le developpement (MRND) | 7 April 1999 | III | "*Karemera et al.* case" (joinder). Started on 27 November 2003. Started *de novo* on 19 September 2005. The third accused, J. Nzirorera, died on 1 July 2010 and proceedings against him were terminated. Completion expected in January 2011. Judgement expected last quarter 2011. |
| | M. Ngirumpatse | Director General, Ministry of Foreign Affairs, President of MRND | 7 April 1999 | | |
| 52 | A. Ngirabatware | Minister in the Interim Government | 10 October 2008. Further initial appearance on 9 February 2009. | II | Started on 31 August 2009. Completion expected in February 2011. Judgement expected in September 2011. |
| 53 | C. Nzabonimana | Minister of Youth in the Interim Government | 20 February 2008 | III | Started on 9 November 2009. Completion expected in March 2011. Judgement expected in October 2011. |
| 54 | G. Ndahimana | Bourgmestre of Kivumu | 28 September 2009 | III | Started on 6 September 2010. Completion expected in February 2011. Judgement expected in third quarter of 2011. |

# Annex II

## Awaiting trial: two accused in two cases

| *Name* | *Former title* | *Initial appearance* | *Trial Chamber* | *Expected date of commencement of Trial* |
|---|---|---|---|---|
| I. Nizeyimana | Second-in-Command, ESO | 14 October 2009; further initial appearance 7 October 2010 | III | 17 January 2011 |
| J. Uwinkindi | Pastor, Nyamata | 9 July 2010 | To be decided | To be decided. Earmarked for referral to a national jurisdiction. |

# Annex III

## 10 fugitives

| | |
|---|---|
| Augustin Bizimana | Phénéas Munyarugarama |
| Félicien Kabuga | Aloys Ndimbati |
| Fulgence Kayishema | Ladislas Ntaganzwa |
| Protais Mpiranya | Charles Ryandikayo |
| Bernard Munyagishari | Charles Sikubwabo |